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EXAMINER

MISIASZEK, MICHAEL

ART UNIT PAPER NUMBER

3625

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 3/23/2006 have been received and reviewed. The status of the claims is as follows:

Claims 1-20 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1. Claims 9 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The use of the phrase "the search vendor profile" renders the claims unclear. Its usage in claims 9 and 19 is not consistent with the structure of the claims from which they depend, 6 and 16, respectively. The examiner will interpret "the search vendor profile" in claim 9 to be the means for using CCR data to search vendor profile, as set forth in claim 6 and "the search vendor profile" in claim 19 to be using the CCR data to search vendor profile, as set forth in claim 16.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne (US 20050060235 A2) in view of McLauchlin (US 6754672 B1).

Byrnes discloses a system and method to support an electronic market place comprising:

- a communication network to communicate purchase requests (at least paragraph [0040])
- one or more buyers coupled to the network to issue a purchase order specifying items from two or more suppliers (at least Abstract)
- a server coupled to the network to receive the purchase order, the server generating sub-orders from the purchase order and sending the sub-orders to the two or more suppliers for fulfillment (at least paragraphs [0027] and [0036]: Hub or central server which handles sending of sub orders to merchants)
- receiving an acceptance from the vendor (at least paragraph [0052]: vendor acknowledges order and ships product)

Art Unit: 3625

Byrne does not disclose:

- accessing data from a Central Contract Registry (CCR) Database to retrieve vendor payment data
- paying the vendor using the CCR database

McLauchlin teaches that it is known to include accessing the Central Control Registry Database to retrieve vendor data (at least column 1, lines 43-64: agent uses CCR to retrieve vendor data) and paying the vendor using the data (at least column 1, lines 43-64: agent finalizes order) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the accessing of the CCR Database to retrieve vendor payment data and paying a vendor using that data, as taught by McLauchlin, since such a modification would have provided a way to integrate government systems to the into the public sector to aid procurement systems (at least column 1, lines 22-42 of McLauchlin).

Art Unit: 3625

3. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin as applied to claims 2 and 12 above, and further in view of King, Jr. et al. (US 5319542, herein referred to as King).

Regarding Claims 3,13

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- keeping a local copy of the CCR database in a system database

King teaches that it is known to include keeping a local copy of an external database (at least claim 13: catalog database is downloaded by customer) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the keeping of a local copy of an external database, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

Art Unit: 3625

Regarding Claims 4,14

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- importing the CCR data into a public data storage and a private data storage.

King teaches that it is known to include importing a database into a public data storage and a private data storage (at least column 2, lines 56-64: transmit catalog database to public and private catalog database) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the importing of a database into a public data storage and a private data storage, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

Art Unit: 3625

Regarding Claims 5,15

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- transferring data over a secure protocol

King teaches that it is known to include transferring data over a secure protocol (at least column 5, lines 10-13: system only allows authorized users to download data) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with transferring data over a secure protocol, as taught by King, since such a modification would have provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

Art Unit: 3625

4. Claims 6-8 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin as applied to claims 2 and 12 above, and further in view of Gieselmann et al. (US 20040117263 A1, herein referred to as Gieselmann).

Regarding Claims 6, 16

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- using the CCR data to Register Vendors, Search and Select Vendors for solicitation of services and/or delivery of supplies; View Vendor Profile; or Electronic Transfer Funds or outstanding account payable

Gieselmann teaches that it is known to include using CCR data to register vendors (at least paragraph [0054]: companies registered using DUNS number) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the using CCR data to register vendors, as taught by Gieselmann, since such a modification would have provided registration that does not require dedicated in-house computer resources (at least paragraph [0014] of Gieselmann).

Art Unit: 3625

Regarding Claims 7, 17

The combination of Byrne and McLauchlin discloses the claimed invention except for:

- validating the vendor's DUNS/CAGE data and Point of Contact data

Gieselmann teaches that it is known to include validating DUNS/CAGE data (at least paragraph [0054]: companies registered using DUNS number) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the validating DUNS/CAGE data, as taught by Gieselmann, since such a modification would have provided registration that does not require dedicated in-house computer resources (at least paragraph [0014] of Gieselmann).

Regarding Claims 8, 18

The combination of Byrne and McLauchlin discloses:

- displaying Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; or NAICS/SIC Code (at least paragraph [0005]: class and geographic area are published to buyers)

Art Unit: 3625

5. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin and Gieselmann as applied to claims 6 and 16 above, and further in view of Goodman et al. (US 20030088475 A1, herein referred to as Goodman).

The combination of Byrne, McLauchlin and Gieselmann discloses the claimed invention except for:

- receiving as a search parameter one or more of the following: Business Name; DUNS and CAGE Code; Socio Economic Factors; Business Type; Geographic Location; and NAICS/SIC Code

Goodman teaches that it is known to search for vendors based on vendor name and address (at least paragraph [0061]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the searching for vendors based on name and address, as taught by Goodman, since such a modification would have provided a convenient way to find a vendor (at least paragraph [0011] of Goodman).

Art Unit: 3625

6. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of McLauchlin and Gieselmann as applied to claims 6 and 16 above, and further in view of King and Muscavage, III et al. (US 20030126036 A1, herein referred to as Muscavage).

The combination of Byrne, McLauchlin and Gieselmann discloses the claimed invention except for:

- retrieving CCR public data and private data
- determining the vendor's business name and mailing address from the public data
- determining the vendor's electronic fund transfer (EFT) information from the private data
- using the EFT information to pay the vendor

King teaches that it is known to include retrieving public and private data (at least column 2, lines 56-64: public and private catalog databases browsed by customer) and determine the vendor's business name and mailing address (at least column 4, lines 47-68: suppliers makes name and address available in database) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with retrieving public and private data and determining of vendor name and address, as taught by King, since such a modification would have

Art Unit: 3625

provided a reduction of customer maintenance of their private data (at least column 2, lines 1-10 of King).

Muscavage teaches that it is known to include determining the vendor's electronic fund transfer information (at least paragraph [0033]: automated clearinghouse uses EFT data to transfer funds from buyer to seller) and use this data to pay the vendor (at least paragraph [0033]: automated clearinghouse uses EFT data to transfer funds from buyer to seller) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method to support an electronic marketplace, as taught by Byrne, with the determining vendor's EFT information and paying the vendor using this information, as taught by Muscavage, since such a modification would have provided a secure way to transfer funds in e-commerce (at least paragraphs [0003] and [0004] of Muscavage).

Response to Arguments

Applicant's arguments filed 3/23/2006 regarding the 35 USC 112 rejection of claims 2, 7, 9, 12, 17, and 19 have been fully considered and are persuasive. The rejection has been withdrawn.

Applicant's arguments filed 3/23/2006 regarding the 35 USC 102 rejection of claims 1 and 11 have been fully considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 3/23/2006 regarding the 35 USC 103 rejection of claims 2 and 12 have been fully considered but they are not persuasive.

Applicant asserts that the combination of Byrne and McLauchlin fails to teach automatically using CCR data as part of the sub-order processing and payment. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., automatically using CCR data as part of sub-order processing and payment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further asserts that McLauchlin teaches away from the claimed invention. However, applicant's assertion is that McLauchlin teaches away from the feature of automated processing of CCR data to order and pay vendors, which is not recited in the rejected claims. Accordingly, the prior art cannot teach away from a feature that is not claimed in the instant invention. The examiner notes that the claims

Art Unit: 3625

have been viewed in light of the specification and have been afforded their broadest reasonable meaning. During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, McLauchlin teaches that the features in the disclosure can be used to aid procurement systems by integrating government systems into the public sector (at least column 1, lines 22-42). One of ordinary skill in the art would have been motivated to combine the features of McLauchlin with Byrne (a procurement system) to provide this aid. Further, the motivation to combine also provides evidence of a reasonable expectation of success when combining Byrne and McLauchlin. McLauchlin suggests the combination with a procurement system, which Byrne provides.

Applicant's arguments filed 3/23/2006 regarding the 35 USC 103 rejection of claims 3-5 and 13-15 have been fully considered but they are not persuasive. Applicant asserts that King does not show keeping a local copy of the CCR database in the system database. The examiner recognizes that King does not teach keeping a local

copy of the specific CCR database. However, King does teach that it is known to keep a local copy of an external database in claim 13. Similarly, the examiner recognizes that King does not disclose importing the specific CCR database into a public and private storage. However, King teaches importing a database into both private and public storage in at least column 2, lines 56-64. These teachings combined with McLauchlin's teaching of utilizing the CCR database disclose the claimed invention of claims 3 and 4. Applicant's arguments regarding claim 5 are not persuasive for the same reason that the arguments regarding claim 4 are not persuasive.

Applicant's arguments filed 3/23/2006 regarding the 35 USC 103 rejection of claims 6-8 and 16-18 have been fully considered but they are not persuasive. Applicant asserts that: "Gieselmann's DUNS numbers do not correspond to the claimed CCR as the CCR contains information not available in DUNS and thus the combination is inappropriate." The fact that Gieselmann's DUNS numbers do not correspond to the claimed CCR is irrelevant. Gieselmann's DUNS numbers correspond to the claimed DUNS numbers, which are validated in claim 7. Thus, the feature of validating DUNS numbers in Gieselmann discloses the DUNS number validation claimed.

Applicant's arguments filed 3/23/2006 regarding the 35 USC 103 rejection of claims 9 and 11 have been fully considered but they are not persuasive. Applicant asserts that the Goodman and the other references do not show the features of the independent claims and the claim from which 9 depends as well as receiving a search parameter as claimed. As detailed above, the combination of references that are

Art Unit: 3625

combined with Goodman disclose the features of those claims. Goodman discloses receiving a vendor name as a search parameter (at least paragraph [0061]).

Applicant's arguments filed 3/23/2006 regarding the 35 USC 103 rejection of claims 10 and 20 have been fully considered but they are not persuasive. King teaches that it is known to include retrieving public and private data (at least column 2, lines 56-64: public and private catalog databases browsed by customer) and determine the vendor's business name and mailing address (at least column 4, lines 47-68: suppliers makes name and address available in database). Muscavage teaches that it is known to include determining the vendor's electronic fund transfer information (at least paragraph [0033]: automated clearinghouse uses EFT data to transfer funds from buyer to seller) and use this data to pay the vendor (at least paragraph [0033]: automated clearinghouse uses EFT data to transfer funds from buyer to seller). Further, Byrne and McLauchlin disclose the features of independent claims 1 and 11, as detailed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

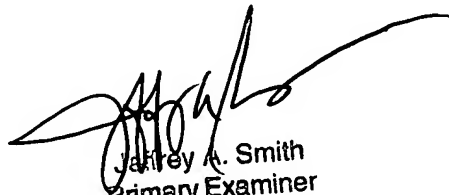
Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael A. Misiaszek
Patent Examiner
5/17/2006



Jeffrey A. Smith
Primary Examiner